

EXHIBIT 50

REQUESTS FOR SPECIAL RESIDENCY/ RTF FOR SARA AND OMH LEVEL 1, 1S OR 2S CASES

Cases assigned to a Bureau as a community prep are reviewed for the imposition of the SARA special condition. If appropriate and in place, depending on where the inmate is in the sentence and the type of sentence he/she is serving the following special conditions may be applied.

FACILITY IMPOSES

SOH 220- Facility staff will request the Board impose the SOH 220 condition (F1 on CMS) as this condition applied to inmates who continue to serve their sentence and owe sentence time (either indeterminate or determinate) and are NOT into PRS. This condition expires upon completion of the incarcerative portion of the sentence.

GES: FC01 I WILL PROPOSE A RESIDENCE TO BE INVESTIGATED BY THE DEPARTMENT OF
A-D CORRECTIONS AND COMMUNITY SUPERVISION AND WILL ASSIST THE
DEPARTMENT IN ANY EFFORTS IT MAY MAKE ON MY BEHALF TO DEVELOP A
RESIDENCE.

IF I AM DEEMED A LEVEL 3 RISK PURSUANT TO ARTICLE 6-C OF THE CORRECTION LAW - OR - I AM SERVING ONE OR MORE SENTENCES FOR COMMITTING OR ATTEMPTING TO COMMIT ONE OR MORE OFFENSE(S) UNDER ARTICLES 130, 135 OR 263 OF THE PENAL LAW OR SECTIONS 255.25, 255.26 OR 255.27 OF THE PENAL LAW AND THE VICTIM OF SUCH OFFENSE(S) WAS UNDER 18 YEARS OF AGE AT THE TIME OF THE OFFENSE(S), AND AS SUCH I MUST COMPLY WITH SECTION 259-C(14) OF THE EXECUTIVE LAW, I WILL NOT BE RELEASED UNTIL A RESIDENCE IS DEVELOPED AND IT IS VERIFIED THAT SUCH ADDRESS IS LOCATED OUTSIDE THE PENAL LAW DEFINITION OF SCHOOL GROUNDS AND IS APPROVED BY THE DEPARTMENT.

IN PERTINENT PART, EXECUTIVE LAW SECTION 259-C(14) PROVIDES:
"THE BOARD SHALL REQUIRE, AS A MANDATORY CONDITION OF SUCH RELEASE, THAT SUCH SENTENCED OFFENDER SHALL REFRAIN FROM KNOWINGLY ENTERING INTO OR UPON ANY SCHOOL GROUNDS, AS THAT TERM IS DEFINED IN SUBDIVISION FOURTEEN OF SECTION 220.00 OF THE PENAL LAW, OR ANY OTHER FACILITY OR INSTITUTION PRIMARILY USED FOR THE CARE OR TREATMENT OF PERSONS UNDER THE AGE OF EIGHTEEN WHILE ONE OR MORE OF SUCH PERSONS UNDER THE AGE OF EIGHTEEN ARE PRESENT,..."

PENAL LAW SECTION 220.00(14)
"SCHOOL GROUNDS" MEANS (A) IN OR ON OR WITHIN ANY BUILDING, STRUCTURE, ATHLETIC PLAYING FIELD, PLAYGROUND OR LAND CONTAINED WITHIN THE REAL PROPERTY BOUNDARY LINE OF A PUBLIC OR PRIVATE ELEMENTARY, PAROCHIAL, INTERMEDIATE, JUNIOR HIGH, VOCATIONAL, OR HIGH SCHOOL, OR (B) ANY AREA ACCESSIBLE TO THE PUBLIC LOCATED WITHIN ONE THOUSAND FEET OF THE REAL PROPERTY BOUNDARY LINE COMPRISING ANY SUCH SCHOOL OR ANY PARKED AUTOMOBILE OR OTHER PARKED VEHICLE LOCATED WITHIN ONE THOUSAND FEET OF THE REAL PROPERTY BOUNDARY LINE COMPRISING ANY SUCH SCHOOL. FOR THE PURPOSES OF THIS SECTION AN "AREA ACCESSIBLE TO THE PUBLIC" SHALL MEAN SIDEWALKS, STREETS,

PARKING LOTS, PARKS, PLAYGROUNDS, STORES AND RESTAURANTS.

CMS: F1 SO-HOUSING CONDITION

RTF 220 - Facility staff will also request the Board impose the **RTF 220** (FC 02 in CMS) special condition. This condition applies when an inmate completes the incarcerative portion of their sentence and will be released to PRS for the first time and does not have a SARA compliant address. DOCCS will move the inmate into an RTF bed at one of their designated facilities. The inmate is signed out and is assigned to a caseload in non-report status. NOTE: This is only imposed by facility staff for SARA cases only.

GES: FC02 PURSUANT TO THE AUTHORITY CONFERRED UPON THE NEW YORK STATE BOARD OF PAROLE UNDER SECTION 70.45(3) OF THE PENAL LAW TO IMPOSE
A&B CONDITIONS OF RELEASE UPON AN INDIVIDUAL SERVING A DETERMINATE SENTENCE WHO IS TO BE RELEASED TO SERVE A PERIOD OF POST-RELEASE SUPERVISION, AS A CONDITION OF YOUR POST-RELEASE SUPERVISION YOU SHALL BE TRANSFERRED TO AND PARTICIPATE IN THE PROGRAMS OF A RESIDENTIAL TREATMENT FACILITY, AS THAT TERM IS DEFINED BY CORRECTION LAW SECTION 2(6) UNTIL SUCH TIME AS A RESIDENCE HAS BEEN APPROVED AND SUCH ADDRESS HAS BEEN VERIFIED TO BE LOCATED OUTSIDE OF THE PENAL LAW DEFINITION OF SCHOOL GROUNDS.

CMS: F2 SO-RESIDENTIAL TREATMENT FACILITY

FIELD IMPOSES

SC 29 and 30- referred to as "special residency conditions" (CR hold) and must be requested by field staff through the chain of command when a residence cannot be approved. These two conditions must be imposed together:

GES: SC29 I WILL PROPOSE A RESIDENCE TO BE APPROVED BY THE DIVISION OF PAROLE AND WILL ASSIST THE DIVISION IN ANY EFFORTS IT MAY MAKE ON MY BEHALF TO DEVELOP AN APPROVED RESIDENCE.

CMS: 67 PROPOSE A RESIDENCE FOR APPROVAL

GES: SC30 I WILL RESIDE ONLY IN THE RESIDENCE APPROVED BY THE DIVISION OF PAROLE.

CMS: 68 RESIDE IN APPROVED RESIDENCE

These conditions will only apply to an individual serving an indeterminate sentence or someone who has sentence time remaining on their determinate portion of their sentence (Not PRS). This may include parole violators who are returned and serving either an indeterminate or mixed sentence with sentence time remaining. These conditions may apply for any case where the assigned area office is unable to find a suitable residence (due to sex offender/ SARA issues, OMH needs or other special circumstances).

A memorandum must be completed by the assigned area office which includes the individual's instant offense detail, sentence information and legal history including any prior parole violation history. It must also include efforts made to investigate any proposed address and the reason the address could not be approved. This should also include a reason why an undomiciled emergency housing address (shelter/ DSS) is not a suitable residence. Include all efforts made by Re Entry Services as well.

The Bureau Chief will send the memo to the Regional Director. If approved by the RD, an email with the attached memo prepared by the Bureau Chief is sent to SOMU requesting the Board impose the special residency conditions. SOMU will process and submit to the Executive Assistant to the Board of Parole to present to the Parole Board. If signed, Board Operations will then email all staff to advise they were imposed. The owning facility will be given instruction to amend the Parole Board Decision Notice (9026) and print and distribute all of the copies as per procedure. The owning Bureau will receive a copy in the US Mail. Once entered, the conditions will appear in GES and CMS as noted above.

NOTE: These conditions will not hold an inmate past his sentence ME date.

RTF SC 37- This was the "original" RTF request and is designated for inmates who are serving a determinate sentence and it is their first release to PRS. This may be used for inmates who are received after their ME date and are already into PRS. It will mostly apply to inmates with no suitable residence for reasons other than not having a SARA compliant residence (as the RTF 220 condition would then apply).

GES: SC37 PURSUANT TO THE AUTHORITY CONFERRED UPON THE NEW YORK STATE
BOARD OF PAROLE UNDER SECTION 70.45(3) OF THE N.Y. PENAL LAW TO IMPOSE
A&B CONDITIONS OF RELEASE UPON AN INDIVIDUAL SERVING A DETERMINATE
SENTENCE WHO IS TO BE RELEASED TO THE JURISDICTION OF THE DIVISION OF
PAROLE TO SERVE A PERIOD OF POST-RELEASE SUPERVISION, IT IS HEREBY
DETERMINED THAT AS A CONDITION OF YOUR POST-RELEASE SUPERVISION,
YOU SHALL BE TRANSFERRED TO AND PARTICIPATE IN THE PROGRAMS OF A
RESIDENTIAL TREATMENT FACILITY, AS THAT TERM IS DEFINED BY N.Y.
CORRECTION LAW §2(6) FOR A PERIOD OF TIME DEEMED APPROPRIATE BY THE
DIVISION OF PAROLE, BUT IN NO EVENT SHALL SUCH PERIOD EXCEED SIX

MONTHS FROM THE DATE OF YOUR ENTRANCE INTO SAID RESIDENTIAL TREATMENT FACILITY.

CMS: A6 PRS RESIDENTIAL TREATMENT FACILITY

A memorandum will be prepared by the assigned area office as above detailing why a suitable residence cannot be approved at the time of the inmate's sentence ME date. This memo will also be sent in an email with the RD's approval to SOMU. SOMU seeks approval from DOCCS Classification and Movement so a bed in a designated RTF facility can be located. SOMU will submit to the Parole Board as above. If approved, Board Operations will email the owning facility and field staff as above instructing them to amend the 9026 decision. It is noted this designation to the RTF will expire after 6 months- a date which is determined by Class and Movement after the inmate is moved to an RTF bed. It is noted the inmate is signed out to parole supervision at the sentence ME date and his PRS time begins to run. Efforts must continue to find a suitable residence for him.

RTF Commissioner Designation pursuant to 73(10) CL- This is a RTF designation for cases who are already serving the period of PRS, such as returned parole violators serving only PRS time or anyone who has served over the initial 6 months of post release supervision. This is NOT a Parole Board imposed condition. This may also be imposed at any time during supervision; e.g. if an Interstate case returned to NYS and is subject to SARA, and no SARA compliant residence can be approved, this designation may be requested.

For SARA cases, facility staff will make the request to DOCCS Class and Movement after verifying with the assigned area office that there is no SARA compliant address available. If after 6 months, no SARA compliant housing can be approved, facility staff will make another request to continue the Commissioner's Designation to the RTF for another 6 months.

For cases designated as an OMH level 1, 1S, or 2S case, for which no residence can be approved, assigned field staff must initiate the request for the RTF through the chain of command to SOMU. SOMU will then seek approval from DOCCS Class and Movement and distribute the RTF designation if approved.

It is noted that inmates being released to the RTF will be on parole and will need to be signed out and agree to their conditions of release. The post release supervision time begins to run on the date the inmate is released. Field staff must continue efforts to find a suitable residence.

Appendix E

{Facility Letterhead}

Superintendent Recommendation for Residential Treatment Facility
Designation
Pursuant to Correction Law §73(10)

TO: Commissioner, New York State Department of Corrections and
Community Supervision

From:

Date:

Re: Name: _____ Din: _____ NYSID: _____

The above-identified parolee has not secured a residence to date that is verified to be located outside of the Penal Law definition of school grounds. Therefore, it is recommended that the parolee be designated to a Residential Treatment Facility pursuant to Correction Law § 73 (10).

_____, Superintendent
Signature